

PUBLIC CHAPTER NO. 364**HOUSE BILL NO. 2329****By Representatives Odom, Shaw, Bone****Substituted for: Senate Bill No. 2248****By Senators Kyle, Flinn, Marrero**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 1, Part 9 and Title 63, Chapter 7, Part 1, relative to administration of medication.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-1-904(c)(2), is amended by deleting that subdivision in its entirety and by substituting the following:

(c)

(2) The department of children's services may, based upon its determination of available resources and need, provide training for unlicensed individuals who assist children and youth with the self-administration of medication in group home settings. The training shall be provided only to those unlicensed individuals who are employed by agencies that are both licensed under title 37 and under contract to provide services to children in the department's custody in a group home setting.

SECTION 2. Tennessee Code Annotated, Section 68-1-904(c), is amended by adding the following as new (c)(3) subdivision:

(c)

(3) The unlicensed personnel referenced in Section 68-1-904(c)(1) shall not administer intravenous, intramuscular, and certain subcutaneous injectable medications, as defined by rule. The unlicensed personnel referenced in Section 68-1-904(c)(2) shall not assist with the self administration of vaginal medications, rectal medications, intravenous, intramuscular, and certain subcutaneous injectable medications, as defined by rule. The department of finance and administration, division of mental retardation services, and the department of children's services, in consultation with the board of nursing, shall promulgate rules, including public necessity rules, to provide for competency-based training, education, and appropriate monitoring of the unlicensed personnel covered by this subsection (c) who shall have the authority to perform the services provided for in this subsection

(c), notwithstanding the provisions of any other statute or rule. The unlicensed personnel shall be exempt from the licensing requirements contained in and rules promulgated pursuant to title 63, chapter 7, part 1.

SECTION 3. Tennessee Code Annotated, Section 63-7-102, is amended by adding the following as a new subdivision (12):

(12) Persons trained in accordance with § 68-1-904(c)(2), who are employed by agencies that are both licensed under title 37 and under contract with the department of children's services to provide services can assist children and youth with the self-administration of medication in a group home setting. Before any such person is authorized to assist the child or youth with self-administration of medication, that person must have received and be able to document six (6) hours of training in medication administration from a registered nurse licensed pursuant to this chapter. For the purposes of this subdivision (12), assisting with self-administration of medications is not to be interpreted in any manner or fashion to include, or to be the same as, medication administration that would be only appropriate and acceptable for persons who are authorized to do so by specific professional acts under this title or by rules or regulations.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 24, 2007


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 6th day of June 2007


PHIL BREDESEN, GOVERNOR

